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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/689,928	10/12/2000	Arihiro Takeda	2803.64683	7460

7590 12/05/2001

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EXAMINER

NGUYEN, DUNG T

ART UNIT

PAPER NUMBER

2871

DATE MAILED: 12/05/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/689,928

Applicant(s)
Takeda et al.

Examiner
Dung Nguyen

Art Unit
2871



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Sep 10, 2001
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 150-152 and 162-170 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 150-152 and 162-170 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 7-9
- 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other:

Art Unit: 2871

Response to Amendment

Applicant's amendment dated 09/10/2001 has been received and entered.

Claim Rejections - 35 USC § 102

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 150- 152 and 162 stand rejected under 35 U.S.C. 102(b) as being anticipated by Koma, US Patent No. 5,608,556, as stated in the previous office action.

Applicants contend claim 150 recites protrusions as domain regulating means and Koma fails to disclose that as asserted by the Examiner (amendment, page 9). The Examiner agrees that Koma does not disclose the protrusions as domain regulating means; however, Koma does disclose slits as domain regulating means as recited in claim 150.

Applicants also contend that Koma merely disclose one X-shaped slit as one domain regulating means, nowhere does Koma teach that any of the slits substantially surround any other slits (amendment, page 10). The Examiner, again, respectfully disagrees with the applicant's viewpoint since there is not only one pixel electrode in the Koma's device. In other words, one X-shaped domain regulating means can be surrounded by other X-shaped domain regulating means in other pixels.

Accordingly, the rejection of claims 150-152 and 162 stand.

Art Unit: 2871

Claim Rejections - 35 USC § 103

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 163-170 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Koma, US Patent No. 5,608,556, as stated in the previous office action.

Applicants argue that the Examiner has cited no references to support the obviousness of the protrusions and slits are known in the art (bridging pages 10 and 11). Accordingly, the Examiner provides herewith evidence to support the Office's position and § 103 rejection that the use of protrusions and slits are "known equivalents" in the art. See Applicants submitted prior art, U.S. Patent No. 5,953,093, which disclose a protrusion (31d) forming on the pixel electrode (31c) in stead of the Koma's slits. Furthermore, the protrusion is made by an insulating film which is at least a part constituting a thin film.

Accordingly, claims 163-170 would have been obvious as stated in the previous office action.

Response to Arguments

5. Applicant's arguments filed 09/10/2001 have been fully considered but they are not persuasive as noted above.

6. Claims 154-161 has been canceled due to the cancellation of claims 153

Art Unit: 2871

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Dung Nguyen whose telephone number is (703) 305-0423. The fax phone number for this Group is (703) 746-7730.

DN
11/29/2001


TOANTON
PRIMARY EXAMINER